

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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FELICIA MAJORS,

Plaintiff(s),

v.

CENTENNIAL HILLS HOSPITAL,

Defendant(s).

Case No. 2:15-CV-1126 JCM (VCF)

ORDER

Presently before the court is defendant Centennial Hills Hospital's motion to dismiss. (Doc. #9). Plaintiff Felicia Majors did not file a response, and the deadline to respond has now passed.

Plaintiff filed a complaint alleging that she was discriminated against on the basis of her race in violation of Title VII of the Civil Rights Act of 1964. (Doc. #1). Defendant argues that dismissal is proper because plaintiff failed to properly serve defendant and has not established a prima facie case as to her claims. (Doc. #9).

Pursuant to District of Nevada Local Rule 7-2(d), "the failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion." D. Nev. R. 7-2(d). However, the court will not automatically grant every unopposed motion. Instead, the court must weigh the following factors before dismissing the action: (1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases of their merits; and (5) the availability of less drastic sanctions. *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995).

1 Having considered the motion and plaintiff's complaint in light of the *Ghazali* factors, the  
2 court will grant the motion. The first three factors—the public's interest in expeditiously resolving  
3 this litigation, the court's interest in managing the docket, and the risk of prejudice to defendants—  
4 all weigh in favor of dismissal. *See Ghazali*, 46 F.3d at 53; *Anderson v. Air West*, 542 F.2d 522,  
5 524 (9th Cir. 1976) (holding that a presumption of injury arises from the occurrence of  
6 unreasonable delay). Consequently, the court finds dismissal of plaintiff's complaint against the  
7 defendant appropriate.

8 Accordingly,

9 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant's motion to  
10 dismiss, (doc. #9), be, and the same hereby is, GRANTED. Plaintiff's complaint is hereby  
11 DISMISSED without prejudice.

12 The clerk shall close the case.

13 DATED April 8, 2016.

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15 UNITED STATES DISTRICT JUDGE  
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